

**TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS  
MINUTES**

DATE: May 12, 2004

LOCATION: Tennessee Room  
1<sup>st</sup> Floor, Cordell Hull Building  
Nashville, TN

**BOARD MEMBERS**

PRESENT: Barry Kelton, D.C., Chair  
Robert Pannell, D.C.  
Andrea Selby, D.C.  
Michael Massey, D.C.  
Debe Williams, D.C.

**BOARD MEMBERS**

ABSENT: Linda Kindrick  
Mike Pigott

**STAFF PRESENT:**

Sherry Owens, Board Administrator  
Robbie Bell, HRB Director  
Rick Agee, Unit Director  
Robert Kraemer, Advisory Attorney  
Barbara Maxwell, Administrative Director

Dr. Kelton, chair, called the board meeting to order at 9:00 a.m., May 12, 2004. A sufficient number of board members were present to constitute a quorum.

Dr. Kelton announced that Dr. Tomasino's term as board member expired April 30, 2004. On behalf of the board, Dr. Kelton thanked Dr. Tomasino for his dedicated service to the board over the past four years.

**Review and Approve Minutes**

Upon review of the February 3, 2004 minutes, Dr. Williams made a motion, seconded by Dr. Pannell, to approve the minutes as written. The motion carried.

**Investigative Report**

Ms. Phelps stated there were thirteen complaints against Chiropractic Physicians carried over from 2003 and seven received to date. Ms. Phelps said four of the complaints were closed with no action, one closed with a letter of warning, one referred to the office of general counsel, eleven being investigated and one pending the first review. Ms. Phelps stated that of the seven complaints received this year two were for unprofessional conduct, one for malpractice and four listed under other.

Ms. Phelps said there are no complaints against CTA's or CXT's.

## **Disciplinary Report**

Ms. Phelps discussed the disciplinary report which lists those practitioners currently being monitored. Ms. Phelps reviewed the disciplinary action history for Chiropractic Physicians and Chiropractic X-ray Operators from 1986 to present.

## **Report from Jerry Kosten**

Mr. Kosten said he does not have any rule amendments for the board's approval and has not received an opinion from the Attorney General regarding acupuncture. Mr. Kraemer said the opinion should be received within 60 days.

## **Conflict of Interest Policy**

Mr. Kraemer reviewed the conflict of interest policy with the board, reminding the board members that if they have prior knowledge of a case coming before the board to disclose that information so it can be determined if there is a conflict of interest.

## **Report from Robert Kraemer, Advisory Attorney**

Mr. Kraemer said the rules regarding scope of practice and disciplinary are at the Attorney General's Office for review.

Mr. Kraemer said the rule regarding chiropractic acupuncture went to rulemaking January 23, 2004.

Mr. Kraemer reminded the board that they voted to let the rules sit until a response is received from the Attorney General to the Medical Board's request for an official opinion on the scope of last year's practice act amendment.

Mr. Kraemer said after review of the opinion and response to the comments the amendment can be adopted by the board.

Mr. Kraemer said the Comptroller of the Treasury audits all state departments on a regular basis to make sure they carry out their state mandates. Mr. Kraemer said the Comptroller's Office wants disciplinary guidelines in place, which Ms. Bell is composing for presentation to the board

## **Financial Report**

Ms. Owens said the board's deficit is slowly decreasing and, with the new fee increases, the board should realize a surplus next year.

## **Review Administrative Report**

Ms. Owens reported there are 848 active Chiropractic Physicians in Tennessee. Ms. Owens said the Continuous Quality Improvement (CQI) performance program is being prepared bi-annually

instead of quarterly. Ms. Owens said between January 24 and April 30, eight Chiropractors, four CTA's and zero CXT's have renewed online.

Ms. Bell said travel is now being approved and if a board member wants to attend a federal meeting please submit the request to Ms. Owens as soon as the registration and meeting information is received.

Ms. Bell said Dr. Selby is recovering well and has volunteered to evaluate the continuing education audit for the board. The board accepted Dr. Selby's offer to review the continuing education audit.

Ms. Owens said there was a 25% continuing education audit for Chiropractic Physicians and 100% audit for CTA's and CXT's.

Ms. Bell thanked Dr. Massey, the new board member, for attending today's meeting on short notice and welcomed him to the board.

Ms. Bell said the administrative staff is working on the board's first newsletter, which is the most difficult to create due to formatting, and asked the board to contact Ms. Owens to place articles in the newsletter.

### **Correspondence**

In review of the letter from Dr. Ross regarding scope of practice, Mr. Kraemer said he advised Ms. Owens to request Dr. Ross to submit his letter in the form of a declaratory order. Mr. Kraemer advised the board and staff to deal with these types of letters as declaratory order so the issues can be resolved at the board meetings and not in court.

### **Review and Approve Continuing Education Courses**

Ms. Owens asked if the board would like to appoint a designee to review and approve continuing education, unless the course is questionable and must come before the board for review. Upon discussion, the board decided to continue reviewing continuing education at the meetings.

Upon review, Dr. Pannell made a motion, seconded by Dr. Williams, to approve the following continuing education requests:

#### **Total Health Chiropractic**

Lance Silverman, D.C.  
CTA Seminar

#### **Seminars in Chiropractic Research**

M. B. Drybread, D.C.  
Chiropractic Research: The Year in Review

**Conserv Care**  
Curtis Damien, D.C.  
CTA Seminar

**Conserv Care**  
Richard Cole, D.C.  
Diane O'Conner, CXT  
Annual Educational Symposium

**King Bio Pharmaceuticals**  
Frank King, D.C.  
New Contemporary Breakthroughs in Homeopathy

The motion carried.

**Review application files for licensure and letters of concern and requests**

Upon review of the letter from **Lucy Spurgeon, Chiropractic X-ray Operator**, Dr. Williams made a motion, seconded by Dr. Pannell, to allow Ms. Spurgeon to pay the \$100 annual penalty and obtain the continuing education units for 2002 and 2003 as she requested. The motion carried.

Upon review of the letter from **Ruth Porter, Chiropractic Therapy Assistant**, Dr. Williams made a motion, seconded by Dr. Pannell, to allow Ms. Porter to pay the \$100 penalty and obtain the continuing education units for 2003 as she requested. The motion carried.

Upon review of the letter from **Janet B. Snyder, Chiropractic Therapy Assistant**, Dr. Pannell made a motion, seconded by Dr. Williams, to allow Ms. Snyder to pay the \$100 penalty and obtain the continuing education units for 2003. The motion carried.

The board reviewed a letter from **Michael Pepper, D.C.**, applicant for licensure in Tennessee as a Chiropractic Physician, regarding suspension of his Missouri license for fraud. Dr. Pepper stated in his correspondence that he has complied with the Missouri order. Upon review, Dr. Pannell made a motion, seconded by Dr. Williams, to deny Dr. Pepper licensure based on the disciplinary action in Missouri.

**Ratify newly licensed and reinstated Chiropractic Physicians, Chiropractic Therapy Assistants and Chiropractic X-Ray Technologists**

Dr. Pannell made a motion, seconded by Dr. Williams, to ratify the following newly licensed and reinstated Chiropractic Physicians, Chiropractic Therapy Assistants and Chiropractic X-Ray Technologists:

Newly Licensed Chiropractic Physicians

**Rasmus S. Dyhr**  
**Jason R. Hanneken**  
**Shawn G. Jones**  
**Scott F. Jutte**  
**Josh B. Knotts**  
**Mark Mendoza**  
**Jason Barry Minsky**  
**Travis W. Park**  
**Paul B. Patterson, Jr.**  
**Dwight Perrey, Jr.**  
**Tiffany A. Ringfield**  
**Charles B. Sayre**  
**Darrell W. Taylor**  
**Gregory S. Thomas**

Reinstated Chiropractic Physicians

**Lorraine C. Bailey**  
**Katharin J. Dougan**  
**Thomas J. Frye**  
**Russell A. Justus**

Newly Licensed Chiropractic Therapy Assistants

**Elizabeth C. Blanco**  
**Christina B. Case**  
**Barbara J. Condon**  
**Ty G. Hardin**  
**Alisa D. McNeely**  
**Melinda D. Mosher**  
**Lauren G. Pieniaszek**  
**Gina M. Slatton**  
**Teresa G. Smith**  
**Marcia A. Yancey**

Reinstated Chiropractic Therapy Assistants

**Kathy S. Bailey**  
**Angela R. North**  
**Cindi L. Smith**  
**Gina M. Steidinger**

Newly Licensed Chiropractic X-Ray Technologists

**Tere A. Anderson**

**Staci A. Duncan**

**Valerie Richards**

**Jennifer Toby**

The motion carried.

With no other board business to conduct, Dr. Massey made a motion, seconded by Dr. Williams, to adjourn at 10:05 a.m., May 12, 2004. The motion carried.

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